

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JACK FROBES, et al.,

**PROTECTIVE ORDER**

Plaintiffs,

- against -

CV 2008-1897 (NG) (MDG)

STRYKER CORPORATION, et al.,

Defendants.

KIMBERLY DAWN EVANS and RICHARD EVANS,

Plaintiffs,

- against -

CV 2008-2121 (NG) (MDG)

DJO, LLC, et al.,

Defendants.

KRIS PRATHER,

Plaintiff,

- against -

CV 2008-2572 (NG) (MDG)

STRYKER CORPORATION, et al.,

Defendants.

The Court having reviewed the "Pretrial Order No. 1: Order Governing the Production of Confidential Information" (the "Proposed Order") proposed by the parties herein (ct. doc. no. 132 in Frobes and attached hereto as Exhibit 1) and having found good cause for issuance of an order to protect the

confidentiality of certain information to be produced in discovery and used in these consolidated acted actions, the Proposed Order is approved and supplemented by the following:

1. The parties must use best efforts to minimize the need to file documents under seal. Prior to filing any document containing "Confidential Information" under seal, a party must determine whether the material designated as "Confidential Information" is relevant to the issue addressed in a filing. If the Confidential Information is not relevant and necessary to the filing, the document should be filed with such Confidential Information redacted.

2. The parties must comply with procedures established by the Clerk's Office for filing documents under seal.

3. If a filing is lengthy but the Confidential Information comprises a small portion of a filing, only the pages, sections or entire exhibit containing Confidential Information should be filed under seal and the remainder of the submission should be filed unsealed. If an entire document is to be filed under seal, the party submitting the document must electronically file a notice that such a submission is being filed under seal. Any sealing envelope should clearly describe the document to be sealed and identify the document number on the docket sheet corresponding to such sealed document. Each envelope submitted for sealing may contain only one document or portions of one filing (such as redacted pages from multiple exhibits annexed to a document filed).

4. A party submitting a document for filing under seal shall provide the Clerk of the Court and the District Judge and/or Magistrate Judge to be handling the application at issue with a complete un-redacted copy of the submission. The first page of the submission must indicate what portions have been redacted and/or filed under sealed.

5. Any Confidential Information which is publicly disclosed by the designating party shall, upon disclosure, automatically cease to be Confidential Information entitled to protection by this Order. Such public disclosure includes any filing with any governmental agency or department of any document containing Confidential Information which is subject to access by the public.

6. In addition to any other requirements in the Proposed Order and herein, the parties are reminded they must observe Rule 5.2 of the Federal Rules of Civil Procedure regarding the redaction of private information from court filings.

**SO ORDERED.**

Dated: Brooklyn, New York  
April 10, 2009

/s/ \_\_\_\_\_  
MARILYN D. GO  
UNITED STATES MAGISTRATE JUDGE